

S.D.N.Y. – N.Y.C.
21-cv-8704
Gardephe, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6th day of April, two thousand twenty-two.

Present:

Guido Calabresi,
Gerard E. Lynch,
Raymond J. Lohier, Jr.,
Circuit Judges.

Everytown for Gun Safety Action Fund, Inc.,

Plaintiff-Appellee,

v.

21-3079

Defcad, Inc., et al.,

Defendants-Appellants,

Odysee User TheGatalog-PrintableMagazines,

Defendant,

Twitter, Inc.,

Intervenor.


USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: Apr 06 2022
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Appellants move for a stay of the discovery orders issued by the District Court. This Court has determined sua sponte that it lacks jurisdiction over the ex parte order entered on November 5, 2021 (the “Ex Parte Order”), because the appeal of that order was not timely filed. *See* 28 U.S.C. § 2107; *Bowles v. Russell*, 551 U.S. 205, 214 (2007). It is hereby ORDERED that the appeal is DISMISSED for lack of jurisdiction as to the Ex Parte Order and the motion for a stay of that order is DENIED as moot.

Upon due consideration, it is hereby further ORDERED that the motion for a stay of the Twitter order entered on December 17, 2021 is DENIED. Appellants have not demonstrated that a stay is warranted. See *Nken v. Holder*, 556 U.S. 418, 434 (2009); *In re World Trade Ctr. Disaster Site Litig.*, 503 F.3d 167, 170 (2d Cir. 2007).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court


Catherine O'Hagan Wolfe

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United States Court of Appeals, Second Circuit


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